

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JEFFREY DESIR,

Plaintiff,

-v-

9:09-CV-0964

DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION; BRIAN FISCHER;  
LEO BISCEGLIA; DEMMONS; FRECHETTE;  
LAW; BUCK; and CAPT. WOODRUFF,

Defendants.  
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APPEARANCES:

OF COUNSEL:

JEFFREY DESIR  
Plaintiff pro se  
1601 Beverly Road, Apt. 1-G  
Brooklyn, NY 11226

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Defendant  
The Capitol  
Albany, NY 12224

MEGAN M. BROWN, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On January 4, 2011, the Honorable George H. Lowe, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion pursuant to Federal Rule of Civil Procedure 37(b)

to dismiss or strike the complaint as a sanction for plaintiff's failure to attend two scheduled depositions be granted. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted in whole.

See 28 U.S.C. 636(b)(1).

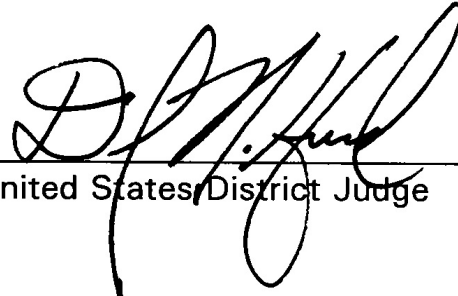
Therefore it is

ORDERED that

Defendants' motion to dismiss is GRANTED.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: February 3, 2012  
Utica, New York.